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California Coastal Commission  
South Central Coast District  
89 S. California Street  
Ventura, Ca. 93001

March 4, 2020

Re: Reasons to Reject Ventura County's Request for an "Override" of Oxnard's Denial of County's LCPA

Executive Director Ainsworth:

This letter is in response to Ventura County's request for an Override of Oxnard's denial of the County's LCPA for the Fisherman's Wharf massive apartment complex. The County's Public Works Plan Amendment 7 (PWPA 7) would allow this project. The PWPA 7 project is the impetus underlying the County's request.

The County's Override request should be denied because PWPA 7 and the project it allows have two major inherent problems.

- 1) The County's PWPA 7 violates the principal objective of the PWP "to provide, protect and maintain the public's access to and use of the recreational waters in and adjacent to the Harbor and to protect and maintain commercial fishing facilities in the Harbor".
- 2) The County's proposed PWPA 7 and the project it allows are inconsistent with 14 key PWP policies as well as with Oxnard's Local Coastal Plan (LCP).

It is important to also note that the County's "reasons" for the Override make a much stronger case for the updating NOT the piecemeal amending of the 34 year old Public Works Plan that is in critical need of an update to ensure its relevancy as the Harbor's Master Plan.

**Problem 1 - PWPA 7 violates the principal objective of the PWP.  
It proposes 4 major revisions to the PWP that violate the PWP's principal objective.**

Revision 1 - PWPA 7 proposes a revision to section 1.4: "Residential uses at the corner of Victoria and Channel Islands provide support to the retail and commercial component when visitors are not present."

The County fails to demonstrate that the proposed 390 apartment Fisherman's Wharf project is **necessary** to support the area's retail and commercial activities when visitors are not present. The County has received an unsolicited alternative development proposal that does not include residential to "support" its retail and commercial businesses. This proposal is from a proven experienced and financially able company and is an example of what else is possible.

The PWPA 7's project does not "support" the retail and commercial facilities. Adequate free and low cost parking and easy access are essential for retail and commercial success and critical for public access and use of harbor facilities. The proposed 390 apartment project is under parked by 390 spaces, removes 195 free public parking spaces and all 45 parking spaces adjacent to the public park.

The project also fails to meet the County's Coastal Zoning Ordinances, Section 8176.0, 8176-2.7 requirements: "preserve existing parking areas that serve coastal access and recreation...new development shall be designed to include off-street parking spaces sufficient to serve the propose use." The PWPA 7 project does not do this and there is no on street parking anywhere near the project location.

Traffic safety is necessary to ensure public access and use of retail and commercial facilities. The proposed project creates traffic safety issues with the volume of non-signalized left turn and U-turn traffic generated by the project's ingress and egress driveways. It opens a driveway closed in December 2009 by the County as too dangerous even with the increased use by cars and trucks of all kinds. More discussion of traffic safety issues can be found in the section 1 of the PWPA 7's inconsistencies with the PWP.

The inadequate parking and traffic safety issues could result in the failure not success of the retail and commercial businesses the project purports to "support". These issues impede public access.

Revision 2 - The PWPA7 further revises section 1.4 with: "This 'mixed use' concept horizontally integrates the residential and commercial uses to create an 'urban village' dynamic."

The proposed PWPA project attempts to exploit the concept of "mixed use" and "urban village". The project does not meet either concept.

PWPA 7 project does not meet Oxnard's General Plan's specifications for an urban village or even the standard characteristics of an urban village. The proposed project is not a mixed use. It is fundamentally an apartment complex whose footprint is the size of 6 football fields, nearly 2/3rds of the entire 11acre area. The complex will be four stories high (55 feet) with a gated two-story wall (18.5 feet in height) enclosing the entire complex from the public.

Only 5.4% of project's floor space is for the public retail and commercial uses. The developer's Project Details (page 58) also allocates a maximum of 15% of the footage for commercial uses to "the variety that is attractive to only residential tenants". In addition, the project amenities are overwhelmingly for the private use of apartment tenants. Apartment tenants have exclusive access to 2.6 acres of private outdoor recreational space that includes 2 large swimming pools and a volleyball court.

There are no Live/Work residential units, no mix of housing choices, only apartments. There are no affordable apartments, only high end luxury units. Open space is significantly reduced and the existing public park reduced by more than a third. The project is more than 4 miles from a Transit Center.

The project is not a mixed use or an "urban village dynamic". The project significantly reduces public recreational space and the project's amenities are overwhelmingly for the exclusive use of apartment tenants. There are no new amenities or added benefits for the public. This does not promote public access.

Revision 3 - PWPA 7 proposes to make a major addition to the PWP Section 1.4's Visitor Serving Harbor Oriented (V.S.H.O.) area by adding to the Permitted Uses:

"The commercial areas of Channel Islands harbor have been affected by changes in the marketplace, consumer desires and expectations, and the increase in the volume of available commercial alternatives. The absence of regular visitors at many times of the year, combined with a large number of "second" homes, combines to reduce patronage to the commercial areas sufficient to ensure economic health. Moreover, the Coastal Commission has already approved major commercial development in the vicinity, further competing with the Harbor's commercial lessees. The absence of sufficient non-transit rental housing is seen as a significant contributor to the challenge of the retail and commercial uses in the Harbor. This fact, combined with the general unmet housing needs in the coastal zone, has resulted in the County's proposal to introduce residential in close proximity to the existing major commercial center in Channel Islands Harbor to help support the commercial uses, so convenient to visitors when they are present."

The County's "reasons" for the introduction of "residential in close proximity to the existing major commercial center at the harbor" are basically County claims that are not supported by facts.

The County overlooks the fact that they have allowed much of the retail and commercial areas to deteriorate at Fisherman's Wharf. This "dilapidated condition" and has made the area unappealing to both businesses and visitors. The County also does not give most of the shops and restaurants long-term leases, providing little incentive for businesses to continue to operate at Fisherman's Wharf.

The PWPA 7 project is basically an apartment complex with minimal concern for the retail and commercial components. The PWPA 7 project fails to provide adequate parking (more details in the previous section 1 of the PWPA 7 violation to the PWP principal objective). Inadequate parking impairs commercial businesses and could result in their failure. The PWPA 7 project also creates traffic and access impediments that will also impact these businesses. More details regarding traffic safety issues are provided in section one of the PWPA 7's inconsistencies with the PWP policies.

The County also claims this revision was proposed to help with the "housing" problem – affordability. This is an attempt to exploit the lack of affordable housing problem. The PWPA 7 project is a luxury high-end apartment complex whose rents, according to the developer, will be the highest in the area. There are NO affordable units in the project.

The County claims they are proposing these PWP revisions due "changes in the marketplace, consumer desires and expectations, and the increase in the volume of available commercial alternatives, etc." These "reasons", however, make a much stronger case for updating the County's 34 year old PWP and stopping the piecemeal planning of the harbor through an on-going series of amendments.

Revision 4 - PWPA 7 proposes to make a major addition to the PWP Section 1.4's Visitor Serving Harbor Oriented (V.S.H.O.) area by adding the area: Urban Village Sub-Category to V.S.H.O.:

"For the land areas beginning at the corner of Channel Islands Boulevard and Victoria Avenue, southward to the Public Boat Launch Ramp, and applicable to only Parcel V, development will consist of a mix of transit and pedestrian oriented residential, commercial, office and/or other similar uses, with a sense of place and identity. This "urban village" approach provides for mixed use areas designed to encourage persons to live near their place of employment and/or support services. As outlined in the City of Oxnard's 2030 General Plan policies, Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions.

Permitted uses are apartment dwellings consistent with the protection and enhancement of public access, combined with restaurant, retail, office, educational, recreational services for the use of Harbor visitors and residents. Urban village areas may include 30 or more units per acre according to the City of Oxnard 2030 General Plan policies, including mid to high rise residential buildings, preferably as part of a mixed use or urban village area or where high rise residential development is appropriate. Live/work, work/live, and mixed use development is strongly encouraged.”

PWPA 7’s project does not meet the specifications of an “urban village” per Oxnard’s 2030 General Plan. The “urban village” issue was discussed in more detail within revision 2. It should also be noted that obtaining an “urban village” zoning as identified in Oxnard’s 2030 General Plan requires the submission of a Specific Plan to the City for approval. To date the County has not done this.

These 4 proposed revisions to the PWP violate the PWP’s principal objective to provide, protect and maintain public access and commercial and sports fishing facilities, the basic purpose of a harbor. The Override request should be rejected.

**Problem 2 - The proposed PWPA 7 and the project it approves are inconsistent with 14 key PWP policies regarding public access, parking, land and water recreation, visual access and commercial and sports fishing.**

The following identifies the specific PWP policies at issue. There are 5 Policy areas of concerns that are in conflict with the County’s PWPA 7 and the project it allows.

**Public Access:**

**PWPA 7 and its project are inconsistent with the PWP Public Access Policies 2, 4, 5, 6, and 7.**

Policy 2 requires public access from the closest public roadway to the shorelines or along the waterfront by new or redeveloped projects that do not jeopardize public safety. The project creates traffic impediments that impact public safety and access, particularly at morning and evening drive times when the intersections are most congested. Victoria Avenue is the only route to and from the large Silver Strand neighborhood and popular Silver Strand, Kiddie, and La Janelle beaches. Access to the California Coastal Trail is also along Victoria. This route is heavily used by the Navy, freight trucks from Port Hueneme, Silver Strand residents and guests, public beach goers and bikers, RVS, SUVs pulling boats on trailers to the Public Boat Launch Ramp, and emergency vehicles.

The project exacerbates the volume non-signalized left turn and U-turn traffic due to this project’s ingress and egress driveways. It opens a driveway closed in December 2009 by the County as too dangerous even with the current increased use by cars and trucks of all kinds. There are problems with the driveway locations and parking lot design. The proposed driveway spacing is insufficient to provide safe deceleration and stoppage for turns in and out of the proposed driveways on Victoria Avenue with its posted 50 MPH speed limit. The project adds a high level of traffic during commuter rush hours when traffic is currently at its worst.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 2. The LCPA Override should be denied.

Policy 4 requires “maximum pedestrian waterfront access” be provided by incorporating pedestrian walkways into all redevelopment projects and that all these walkways be linked with adjacent walkways to insure uninterrupted pedestrian movement.

The project’s apartment complex’s footprint is the size of 6 football fields, nearly 2/3rds of the entire 11acre area. The complex is four stories high (55 feet), 2 city blocks long, with a gated two-story wall (18.5 feet in height) enclosing the entire complex from the public. This allows public access only from the project’s north side parking and commercial area. This means the public can only access the public park and public docks from this area that is more than two city blocks distance, violating policy 4.

Policy 4 also requires all walkways be linked with adjacent walkways to insure uninterrupted pedestrian movement. The project eliminates walkways and bikeways to and from the public parking and to the adjacent park. It provides no additional walkways.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 4. The LCPA Override should be rejected.

Policy 5 requires adequate vehicular access and circulation throughout the Harbor. The project has only 3 driveways (one on Channel Islands Boulevard going east, two on Victoria Avenue going south) open to public use and one of these driveways requires the public to drive through a portion of the apartment complex to locate parking. Almost all the vehicles exiting the project will probably want to go north where the freeway and most of the commercial areas are located. This requires most of this traffic to make non-signalized left turns and U-turns, impeding traffic flow and creating traffic hazards.

PWPA 7 and the proposed project are inconsistent with Public Access Policy 5. The LCPA Override should be rejected.

Policies 6 and 7 require development to encourage pedestrian and bicycle and other non-automotive means of transportation. They also require harbor bicycle accessways to be connected to on-street bikeways. The project does not provide a bicycle path along the waterfront nor connect the park waterfront area to the bike path along Victoria Avenue that is a key access route of the California Coastal Trail.

PWPA 7 and the proposed project are inconsistent with Public Access Policies 6 and 7. The LCPA Override should be rejected.

**Parking:**

**PWPA 7 and its project are inconsistent with the PWP Parking Policy 2.**

Policy 2 requires adequate parking for new development and redevelopment projects and parking for tour buses as appropriate.

PWPA7’s project does not meet the requirements of either the City of Oxnard (under parked by 390 spaces) or those of Ventura County’s own Coastal Zoning Ordinances Section 8176.0 and Section 8176-2.7 (preserving existing parking areas that serve coastal access and recreation...and new development must be designed to include off-street parking spaces sufficient to serve the proposed use). The proposed PWPA 7 project removes 195 free public parking spaces, 45 of the only parking spaces adjacent to the waterfront park and public boat docks, and more than 30 overnight and low cost RV parking spaces. The project fails

to provide a “commensurate number of replacement spaces” and there is no on street parking anywhere near the location.

PWPA 7 and the proposed project are inconsistent with Parking Policy 2. The LCPA Override should be denied.

**Land and Water Recreation:**

**PWPA 7 and its project are inconsistent with the PWP Land and Water Recreation policies 4, 6, and 9. All three policies work to protect, enhance and maximize public recreational opportunities.**

PWPA 7’s project does not maximize recreational opportunities that are visitor serving and harbor oriented (Figure III as V.S.H.O.) Its land use is not compatible and consistent with the PWP prescribed development policies. It removes nearly 40% of the existing park. It removes all parking adjacent to the park requiring the public to walk at least 2 city blocks to use the park, virtually privatizing the park for apartment residents. It eliminates public attractions like the Elite Theater, art gallery and marine education center. The project reduces the Fisherman’s Wharf visitor serving commercial and retail space by more than 40%, making visitor serving commercial and retail space only 5.4% of the project’s total building floor space. Most of the project’s amenities are enclosed within the apartment complex for the exclusive use of the apartment tenants. These private amenities include 2.6 acres of open space with 2 large swimming pools and a volleyball court.

PWPA 7 and the proposed project are inconsistent with Land and Water Recreation Policies 4,6, and 9. The LCPA Override should be rejected.

**Visual Access:**

**PWPA 7 and its project are inconsistent with the PWP Visual Access Policy 1 (a, b, and c).**

Policy 1 along with points a, b, and c requires enhancement of the visual quality of the area. It also requires that new development and redevelopment not impede views to water area from the roadway to and from the waterfront and inland Harbor area.

The PWPA 7 project does not enhance the visual quality of the area. The apartment complex’s massive footprint covers an area the size of 6 football fields. The complex is 55 feet high, 2 city blocks long, with a gated surrounding two story wall, blocking the designated view corridors (see Figure IV of the PWP) from Victoria to the Harbor.

This policy specifies required view corridors within the Harbor. 1(a) defines a view corridor as the area between the roadway and the roadway and the waterfront not occupied by buildings, solid walls or fences, landscaping that interferes with the view of the water or water surface activity from the roadway. 1(b) specifies view corridors be measured from the linear distance paralleling the nearest public road. 1(c) requires at least 25% of the Harbor shall provide a view corridor that is at least 25 feet in width from the main road inland from the waterline.

Figure IV of the PWP identifies the required view corridors at the Harbor. Two view corridors specified by Figure IV are obliterated by PWPA 7 project’s massive apartment complex, conflicting with the PWP Visual Access policy 1. The massive apartment complex dominates the area and ruins NOT enhances the view quality of the area. It does not provide the required view corridors to the waterfront from the public road, Victoria Avenue. Victoria is an access route for the California Coastal Trail to the beach areas. People walking and biking along Victoria will be unable to enjoy the existing open space view for more than the length of 2 city blocks.

PWPA 7 and the proposed project are inconsistent with Visual Access Policy 1 (a, b, c). The LCPA Override should be rejected.

**Commercial Fishing and Commercial Sports Fishing:  
PWPA 7 and its project are inconsistent with the PWP's Commercial Fishing and Commercial Sport Fishing Policies 1, 2, 3 and 7.**

These policies protect the Harbor's commercial fishing slips and facilities. They do not allow commercial fishing and commercial sport fishing facilities to be reduced or changed from parcel locations as outlined in Appendix A unless equivalent substitute facilities are provided elsewhere. PWPA 7 eliminates the urchin dock from commercial fishing use.

The County has not provided where and how this commercial fishing location will be equivalently provided with any legally binding assurance. Policy 3 states that commercial vessels have the first right of refusal on all commercial fishing parcels. The County's PWPA 7's process has not provided this to the commercial fishermen. Policy 7 requires a permanent designated public parking lot area with a minimum size of 80,000 square feet (approx. 1.8 acres) to be restricted from automobile use on non-holiday weekdays to allow active commercial fisherman to spread out net for drying and repair. This also needs to be verified and assured prior to approval of PWPA 7.

PWPA 7 and the proposed project are inconsistent with Commercial Fishing and Sports Fishing Policies 1, 2, 3, and 7. The LCPA Override should be rejected.

**Summary**

The County's PWPA 7 and the project it allows violate the principal objective of the Public Works Plan.

The County's PWPA 7 and the proposed project are inconsistent with 14 key PWP policies regarding public access, parking, land and water recreation, visual access, and commercial and sport fishing policies.

The County's "reasons" for the Override are invalid. Instead these "reasons" make a strong case for the updating NOT the piecemeal amending of the 34 year old Public Works Plan that should be the Harbor's Master Plan for the Harbor.

Section 1.1 of the PWP, it states: "If amendments to this public works plan are submitted after the certification of the City's Harbor Local Coastal Program, the plan shall be approved by the Coastal Commission only if it finds, after full consultation with the affected local governments, that the proposed public works plan amendment is in conformity with the local coastal programs."

The Coastal Commission in October 2017 declared the PWPA was inconsistent with Oxnard's LCP and directed the County to obtain an LCPA from the City. Oxnard has exercised its jurisdictional authority and determined that the County's LCPA is inconsistent with its Local Coastal Plan.

Ventura County's request for an Override of Oxnard's denial of its LCPA should be rejected.

Thank you.

Rene Aiu on behalf of the Harbor & Beach Community Alliance